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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,656	09/02/2001	Jack Bech Nielsen	5753.204-US	7015
25908	7590	10/07/2004	EXAMINER	
NOVOZYMES NORTH AMERICA, INC. 500 FIFTH AVENUE SUITE 1600 NEW YORK, NY 10110			ART UNIT	PAPER NUMBER

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*Defective Appeal Brief*

**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR**

**1.192(c)**

The brief does not contain a statement of the status of all the claims, pending or canceled, and identify the claims appealed as required by 37 CFR 1.192(c)(3). The Appeal Brief filed 26 July 2004 does not correctly identify the status of the claims; see 37 CFR 1.192(d). Applicant maintains that the Examiner has never agreed to withdraw the rejection under 35 USC 112 for Claim 25 on page 4 lines 3-7; and on page 5 line 1 and in footnote 1, and on page 19 line 1 of the Appeal Brief indicates that Claims 25, 33, 36 and 37 stand rejected under 35 U.S.C. 112 1<sup>st</sup> paragraph written description and enablement. Further, Applicant has also stated under Section IV of the Appeal Brief, Status of the Amendments, that the 35U.S.C. 112 written description and enablement rejections were maintained. Applicant's attention is directed to the advisory action mailed 5/28/2004, that indicated the amendment filed 5/06/2004 was entered, and which correctly identifies the current status of claims 25, 33, 36 and 37 under section 7 of the advisory action as claims objected to. Thus, Applicant's statements that Claims 25, 33, 36 and 37 stand rejected under written description and enablement are not consistent with the current status of the claims.

Art Unit: 1638

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kallis whose telephone number is (571) 272-0798. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on (571) 272-0804. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Russell Kallis Ph.D.  
October 4, 2004

DAVID T. FOX  
PRIMARY EXAMINER  
GROUP 180

1638  
